

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	8:02CR419
)	
v.)	
)	
JEVAUGHN D. ERWIN,)	ORDER
)	
Defendant.)	
)	

This matter is before the Court on defendant's motion to alter or amend judgment pursuant to Fed.R.Civ.P. 59(e) (Filing No. 140), seeking an order altering or amending the decision of this Court filed October 5, 2007 (Filing No. 138) which denied defendant's motion to vacate, set aside, or correct his sentence (Filing No. 130).

Without addressing whether Rule 59(e) is applicable to an order of this Court denying a § 2255 motion, the Court has reviewed defendant's motion and the memorandum opinion of this Court and finds that defendant's motion should be denied.

Accordingly,

IT IS ORDERED that defendant's motion to alter or amend judgment pursuant to Fed.R.Civ.P. 59(e) is denied.

DATED this 30th day of October, 2007.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court